



JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017-6702

COPY MAILED

FEB 15 2006

OFFICE OF PETITIONS

In re Application of :
Thomas R. Keyer et al. :
Application No. 10/822,599 : DECISION ACCORDING STATUS
Filed: April 12, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 8932-927-999 :

This is in response to the petition filed August 23, 2004 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on April 12, 2004, without an oath or declaration. Accordingly, on June 23, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a), an oath or declaration naming Thomas R. Keyer, Lawrence J. Binder Jr., and Martin Walther as joint inventors but only executed by inventors Keyer and Walther was filed. The petition argues that application papers were forwarded to joint inventor Binder but that by his actions, refuses to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to and received by Mr. Binder and that to date, he has not returned an executed copy of the oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 3733.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions